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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,518	03/16/2004	Craig M. Janik	088245-8242	3980
23524 7590 05/02/2011 FOLEY & LARDNER LLP 150 EAST GILMAN STREET P.O. BOX 1497 MADISON, WI 53701-1497			EXAMINER DEAN, RAYMOND S	
			ART UNIT 2618	PAPER NUMBER
			MAIL DATE 05/02/2011	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/802,518

Applicant(s)

JANIK ET AL.

Examiner

RAYMOND S. DEAN

Art Unit

2618

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-10 and 31-46 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-10 and 31-46 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 9/15/2010
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 24, 2010 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Haartsen (US 7,245,649) teaches a Bluetooth system in which a portable device comprises a wireless receiver subsystem comprising a wireless receiver and an antenna associated with the wireless receiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the paging message is received via wireless means thus there will an antenna involved), and a wireless transceiver subsystem, in communication with the wireless receiver subsystem, the wireless transceiver subsystem comprising a wireless transceiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the receiver chain of the transceiver receives the paging message and, in response to said paging message, said transceiver will conduct the connection procedure in order for

synchronized communication to be established, the receiver chain is a part of the transceiver thus said receiver chain is in contact or communication with said transceiver), wherein the wireless receiver subsystem is configured to continuously and automatically cycle between a first power mode and a second power mode at least until the signal is received by the wireless receiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the first power mode is the sleep mode, which consumes hardly any power and the second power mode is the scan mode, which is a low-power mode but still consumes more power than the sleep mode); and respond to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the standby state is the low-power scanning mode and the active state is the connection mode in which a synchronized communication link is established) and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the scanning mode is a low-power mode and consumes less power than the connection mode wherein messages are exchanged at a higher hop rate and a synchronized communication link is established).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the

subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 2, 4, 6 – 10, 32 – 39, 41, 43, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sheriff et al. (US 2002/0065564) in view of Haartsen (US 7,245,649).

Regarding Claims 1, 32, 37, 43, Sheriff teaches a system comprising: a portable device (Figure 1, Sections 0031 lines 11 – 12, 0038 lines 8 – 9); and a server computer having an associated wireless transmitter (Figure 1, Sections 0032 – 0033, 0037, the primary content manager is the server computer), wherein the server computer is programmed to cause the wireless transmitter to transmit a signal to initiate an automatic process of content synchronization with the portable device (Sections 0037, 0040) and wherein the signal is caused to be transmitted by the server computer without regard to the portable device within a range to receive the signal (Section 0037, the polling signals are transmitted without regard to the devices being within range to receive said polling signals); and wherein the portable device comprises: a wireless transceiver subsystem comprising a wireless transceiver wherein the wireless transceiver subsystem responds to the signal to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state/causing

the wireless transceiver subsystem of the portable device to use a wireless transceiver to synchronize content stored in the portable device with content in a server computer in response to the wireless transceiver subsystem of the portable device being transitioned to the active state (Sections 0037, 0039 lines 9 – 13, 0044 lines 1 – 11, the Bluetooth enabled devices in a Bluetooth system will transition from the standby mode to the activation mode, the standby mode consumes less power than the activation mode), wherein the wireless transceiver has an associated antenna (Figure 2, Section 0044, antenna (245), See also Response To Arguments set forth in the Office Action dated May 27, 2010), and wherein the wireless transceiver synchronizes content stored in the portable device with content in a server computer via an antenna associated with said wireless transceiver (Figure 2, Sections 0037, 0039 lines 9 – 13, 0044 lines 1 – 11, antenna (245), See also Response To Arguments set forth in the Office Action dated May 27, 2010).

Sheriff does not teach a portable device/apparatus comprising: a wireless receiver subsystem comprising a wireless receiver and an antenna associated with the wireless receiver; and a wireless transceiver subsystem in communication with the wireless receiver subsystem, the wireless transceiver subsystem comprising a wireless transceiver; wherein the wireless receiver subsystem is configured to continuously and automatically cycle between a first power mode and a second power mode at least until the signal is received by the wireless receiver and respond to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state in which the wireless transceiver subsystem uses the

wireless transceiver to actively perform content synchronization with the server computer, and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state.

Haartsen teaches a Bluetooth system in which a portable device comprises a wireless receiver subsystem comprising a wireless receiver and an antenna associated with the wireless receiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the paging message is received via wireless means thus there will an antenna involved), and a wireless transceiver subsystem, in communication with the wireless receiver subsystem, the wireless transceiver subsystem comprising a wireless transceiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the receiver chain of the transceiver receives the paging message and, in response to said paging message, said transceiver will conduct the connection procedure in order for synchronized communication to be established, the receiver chain is a part of the transceiver thus said receiver chain is in contact or communication with said transceiver), wherein the wireless receiver subsystem is configured to continuously and automatically cycle between a first power mode and a second power mode at least until the signal is received by the wireless receiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the first power mode is the sleep mode, which consumes hardly any power and the second power mode is the scan mode, which is a low-power mode but still consumes more power than the sleep mode); and respond to the signal when received by the wireless receiver to cause the wireless transceiver subsystem to transition from a standby state to an active state (Cols. 5 lines 1 – 11, lines 26 – 34,

lines 64 – 67, 6 lines 1 – 26, the standby state is the low-power scanning mode and the active state is the connection mode in which a synchronized communication link is established) and wherein the wireless transceiver subsystem consumes less power in the standby state than in the active state (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the scanning mode is a low-power mode and consumes less power than the connection mode wherein messages are exchanged at a higher hop rate and a synchronized communication link is established).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable device of Sheriff with the detection and power management features of Haartsen for the purposes of power conservation and establishing communication links more quickly as taught by Haartsen. The combination of Sheriff and Haartsen render a wireless receiver with a first antenna and a wireless transceiver with a second antenna.

Regarding Claim 2, Sheriff in view of Haartsen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless transmitter is physically coupled to the server computer (Figure 1, the primary content manager can communicate via wireless means thus there will be a wireless transmitter).

Regarding Claim 4, Sheriff in view of Haartsen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the server computer causes the wireless transmitter to transmit the signal periodically until the portable device responds to the signal (Sections 0037, 0039 lines 9 – 13, the primary content manager periodically transmits inquiry messages which comprise access codes, when

the access code matches the Bluetooth enabled devices access code said Bluetooth enabled devices will respond with an acknowledgement signal).

Regarding Claim 6, Sheriff in view of Haartsen teaches all of the claimed limitations recited in Claim 1. Haartsen further teaches wherein the wireless receiver includes a radio frequency (RF) receiver (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the page message is sent via RF thus the receiver will need to be an RF receiver) Sheriff further teaches wherein the wireless transmitter includes a RF transmitter (Figure 1, Sections 0037, 0039 lines 9 – 13, the Bluetooth transceivers comprise RF transmitters).

Regarding Claims 7, 41, 45 Sheriff in view of Haartsen teaches all of the claimed limitations recited in Claims 1, 37, 43. Sheriff further teaches a pager network receiver/pager message (Section 0053 lines 3 – 7, the pager receiver receives paging messages).

Regarding Claim 8, Sheriff in view of Haartsen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless receiver includes a mobile cellular phone network receiver (Section 0053 lines 3 - 7).

Regarding Claim 9, Sheriff in view of Haartsen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the wireless transceiver includes a wireless local area (WLAN) transceiver (Section 0037).

Regarding Claim 10, Sheriff in view of Haartsen teaches all of the claimed limitations recited in Claim 1. Sheriff further teaches wherein the server computer includes a personal computer (Section 0033, conventional general purpose computers

comprise personal computers).

Regarding Claim 33, Sherriff in view of Haartsen teaches all of the claimed limitations recited in Claim 32. Haartsen further teaches wherein the wireless receiver subsystem comprises a microprocessor, coupled to the wireless receiver, to periodically enable the wireless receiver (Cols. 5 lines 1 – 11, typical Bluetooth devices comprise microprocessors that control the various functions of said devices thus there will be a microprocessor coupled to the receiver chain).

Regarding Claim 34, Sherriff in view of Haartsen teaches all of the claimed limitations recited in Claim 33. Haartsen further teaches wherein the microprocessor consumes less power in the first power mode than in the second power mode, and the microprocessor enables the wireless receiver when the microprocessor is in the second power mode (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, the sleep mode consumes less power than the low-power mode scanning mode thus all components of the receiver, including the processor, will consume less power in the sleep mode than in the low-power scanning mode, the microprocessor controls the functions of the Bluetooth device thus said microprocessor will control the receiver to scan in the scanning mode).

Regarding Claim 35, Sherriff in view of Haartsen teaches all of the claimed limitations recited in Claim 33. Haartsen further teaches wherein the wireless transceiver subsystem comprises a microprocessor to enable the wireless transceiver in response to the signal; and a power supply system, coupled to the microprocessor of

the wireless transceiver subsystem, to provide power to the microprocessor of the wireless transceiver subsystem (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, power is applied to the transceiver when the page message is received, this causes the portable device to transition from a scan mode to a connection mode wherein synchronized communication link is established, the microprocessor controls the functions of the Bluetooth device thus said microprocessor will control the transceiver to conduct the connection mode, the microprocessor needs power in order to control the transceiver thus said microprocessor will receive power).

Regarding Claim 36, Sherriff in view of Haartsen teaches all of the claimed limitations recited in Claim 35. Haartsen further teaches wherein the microprocessor of the wireless receiver subsystem causes the power supply system to provide power to the microprocessor of the wireless transceiver subsystem in response to receipt of the signal (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, power is applied to the transceiver when the page message is received, this causes the portable device to transition from a scan mode to a connection mode wherein synchronized communication link is established, the microprocessor controls the functions of the Bluetooth device thus said microprocessor will control the transceiver to conduct the connection mode, the microprocessor needs power in order to control the transceiver thus said microprocessor will receive power).

Regarding Claim 38, Sherriff in view of Haartsen teaches all of the claimed limitations recited in Claim 37. Haartsen further teaches using the wireless receiver system of the portable device to enable a power supply system subsystem of the

portable device to thereby cause the wireless transceiver subsystem of the portable device to transition from the standby state to the active state (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, power is applied to the transceiver when the page message is received, this causes the portable device to transition from a scan mode to a connection mode wherein synchronized communication link is established, the transceiver will thus receive power when it is time to transition to the connection mode).

Regarding Claim 39, Sherriff in view of Haartsen teaches all of the claimed limitations recited in Claim 38. Haartsen further teaches cycling the wireless receiver subsystem of the portable device between first and second power modes, wherein the wireless receiver subsystem of the portable device is operable in the second power mode to enable the power supply system subsystem of the portable device in response to the wireless signal, and wherein the wireless receiver subsystem of the portable device consumes less power in the first power mode than in the second power mode (Cols. 5 lines 1 – 11, lines 26 – 34, lines 64 – 67, 6 lines 1 – 26, power is applied to the transceiver when the page message is received, this causes the portable device to transition from a scan mode to a connection mode wherein synchronized communication link is established, the scan mode consumes less power than the connection mode thus all components of the receiver, including the processor, will consume less power in the scan mode than in the connection mode).

5. Claim 31 is rejected under 35 U.S.C. 103(a) over Sheriff et al. (US 2002/0065564) in view of Haartsen (US 7,245,649), as applied to Claim 1, and further in view of Karaoguz et al. (US 2004/0029621)

Regarding Claim 31, Sheriff in view of Haartsen teaches all of the claimed limitations recited in Claim 1. Sheriff in view of Haartsen does not teach a synchronization budget manager which limits time during which the wireless transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization.

Karaoguz teaches a power controller, which limits time during which the wireless transceiver subsystem of the portable device is in the active state as a function of an amount of power, which is allowed to be expended on content synchronization (Sections: 0014, 0046 lines 14 – 15, 0052 lines 7 – 8, 0055 lines 4 – 13, the power controller is acting as the synchronization budget manager).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Sheriff in view of Haartsen with the power controller of Karaoguz for the purpose of maximizing the battery life of the portable Bluetooth devices before recharging is required as taught by Karaoguz.

6. Claims 40, 44 are rejected under 35 U.S.C. 103(a) over Sheriff et al. (US 2002/0065564) in view of Haartsen (US 7,245,649), as applied to Claims 37, 43 above, and further in view of Allen et al. (5,812,942)

Regarding Claims 40, 44, Sheriff in view of Haartsen teaches all of the claimed limitations recited in Claims 37, 43. Sherriff in view of Haartsen does not teach wherein the wireless signal includes a radio frequency (RF) pulse.

Allen, which also teaches a low power device, teaches wherein a wireless signal includes a radio frequency (RF) pulse (Cols. 1 lines 64 – 65, 2 lines 32 – 36).

It would have been obvious to one of ordinary skill in the art to modify the low power device of Sherriff in view of Haartsen with the RF pulse circuitry of Allen for the purpose of creating a more versatile low power device that can receive RF pulse signals.

7. Claims 42, 46 are rejected under 35 U.S.C. 103(a) over Sheriff et al. (US 2002/0065564) in view of Haartsen (US 7,245,649), as applied to Claims 37, 43 above, and further in view of Linnartz (US 2002/0066018)

Regarding Claims 42, 46, Sheriff in view of Haartsen teaches all of the claimed limitations recited in Claims 37, 43. Sherriff in view of Haartsen does not teach decoding an encrypted message carried by the wireless signal.

Linnartz teaches decoding an encrypted message carried by the wireless signal (Section 0028 lines 1 - 9).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the encryption method taught by Linnartz in the Bluetooth system of Sherriff in view of Lappetelainen for the purpose of authenticating the Bluetooth enabled devices in order to enable user privacy as taught by Linnartz.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to RAYMOND S. DEAN whose telephone number is (571)272-7877. The examiner can normally be reached on Monday-Friday 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward F. Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raymond S Dean/
Examiner, Art Unit 2618
Raymond S. Dean
April 28, 2011